

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 YOANDY FERNANDEZ MORALES,

Case No. 2:20-cv-00679-APG-EJY

4 Plaintiff

5 v.

ORDER

6 BEN GUITERREZ et al.,

7 Defendants.

8
9 This action began with a pro se civil rights Complaint filed pursuant to 42 U.S.C. § 1983 by
10 a state prisoner. After the Court denied Plaintiff's application to proceed *in forma pauperis*, Plaintiff
11 paid the full filing fee. ECF Nos. 15, 16. Therefore, this case now proceeds on the normal litigation
12 track.

13 Accordingly, **IT IS HEREBY ORDERED** that:

14 1. The Clerk of the Court shall electronically **serve** a copy of this Order, a copy of the
15 Screening Order (ECF No. 7), and a copy of Plaintiff's Complaint (ECF No. 8) on the Office of the
16 Attorney General of the State of Nevada, by adding the Attorney General of the State of Nevada to
17 the docket sheet. This does not indicate acceptance of service.

18 2. Subject to the findings of the Screening Order (ECF No. 7), within **twenty-one (21)**
19 **days** of the date of entry of this Order, the Attorney General's Office shall file a notice advising the
20 Court and Plaintiff of: (a) the names of the defendants for whom it accepts service; (b) the names of
21 the defendants for whom it does not accept service, and (c) the names of the defendants for whom it
22 is filing the last-known-address information under seal. As to any of the named defendants for whom
23 the Attorney General's Office cannot accept service, the Attorney General's Office shall file, *under*
24 *seal*, but shall not serve the Plaintiff, the last known address(es) of those defendant(s) for whom it
25 has such information. If the last known address of a defendant is a post office box, the Attorney
26 General's Office shall attempt to obtain and provide the last known physical address(es).
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3. If service cannot be accepted for any of the named defendant(s), Plaintiff **shall** file a motion within **twenty-one days after the Attorney General's Office identifies such individual defendant**, identifying the unserved defendant(s), requesting issuance of a summons, and specifying a full name and address, if known, for the defendant(s) Plaintiff seeks to serve. For the defendant(s) as to which the Attorney General's Office has not provided last-known-address information, Plaintiff shall provide the full name and address, if known, for the defendant(s).

5. If the Attorney General's Office accepts service of process for any named defendant(s), such defendant(s) shall file and serve an answer or other response to the Complaint (ECF No. 8) within **sixty (60) days** from the date of this Order.

6. Plaintiff shall serve upon defendant(s) or, if an appearance has been entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for consideration by the Court. If Plaintiff electronically files a document with the Court's electronic-filing system, no certificate of service is required. Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-1(b); Nev. Loc. R. 5-1. However, if Plaintiff mails the document to the Court, Plaintiff shall include with the original document submitted for filing a certificate stating the date that a true and correct copy of the document was mailed to the defendants or counsel for the defendants. If counsel has entered a notice of appearance, Plaintiff shall direct service to the individual attorney named in the notice of appearance, at the physical or electronic address stated therein. The Court may disregard any document received by a district judge or magistrate judge which has not been filed with the Clerk, and any document received by a district judge, magistrate judge, or the Clerk which fails to include a certificate showing proper service when required.

7. This case is no longer stayed.

DATED this 25th day of May, 2021.

Elayna J. Youchak
ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE